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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,911	12/13/2001	Kazuyoshi Tominaga	S004-4494	9599

7590

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EXAMINER

DO, AN H

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,911

Applicant(s)

TOMINAGA, KAZUYOSHI

Examiner

An H. Do

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

This is the first Office Action on the merits responsive to the filing of the pending application.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in JAPAN on 01 November 2001. It is noted, however, that applicant has not filed a certified copy of the JAPAN 2001-004062 application as required by 35 U.S.C. 119(b).

#### ***Specification***

2. The abstract of the disclosure is objected to because the term "comprises" in line 8 should be changed to --includes--. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Namekawa et al (US 6,109,740).

Art Unit: 2853

Namekawa et al discloses in Figures 1-4(B) and Figure 12 an apparatus and method steps of absorbing the ink with different timings and absorbing the ink including dust (column 14, lines 17-21), the apparatus includes an inkjet printer (50) having an ink jet head (52), which comprises a plurality of chambers (55A, 55B, 55C) being in communication with nozzle apertures and an ink chamber (51) for supplying ink to the chambers (55A, 55B, 55C), and which changes the capacity of the chambers to discharge ink contained in the chambers through the nozzle apertures, the ink jet head (52) being characterized by a passage forming member (Figure 4B) having an ink supply passage constituting a part of a passage connecting an ink storage means storing ink therein to the ink chamber, the passage forming member having at least one communicating passage (55YA, 55YB, 55YC) capable of discharging the ink from the ink chamber (51). Namekawa et al also discloses the communicating passage is formed in each of regions in proximity to both ends of the ink chamber in a longitudinal direction thereof (Figure 4B), the communicating passage has a check valve (column 6, lines 39-42) permitting only a flow from the ink chamber to outside, the communicating passage is sealed by securing a cap member (Figure 12, element 124) to the passage forming member through an O-ring (column 13, lines 29-33), absorbing means (61A, 61B, 61C) connected to the communicating passage.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2853

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Namekawa et al (US 6,109,740) in view of Hirasawa et al (US 6,196,655).

Namekawa et al discloses the claimed invention except for reciting a filter is provided between the ink supply passage and the ink chamber.

Hirasawa et al teaches in Figure 4 a filter (30) is provided between the ink supply passage (17) and the ink chamber (12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Namekawa et al's invention by Hirasawa et al's filter for the purpose of removing foreign material such as bubbles or dust present in the supply path, as taught by Hirasawa et al in column 1, lines 58-64.

#### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An Do whose telephone number is (703) 308-0525. The examiner can normally be reached from Monday – Friday.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow Jr., Art Unit 2853, can be reached on (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431.


Art Unit: 2853

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



AD

November 25, 2002



**RAQUEL GORDON**  
**PRIMARY EXAMINER**